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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91216583
Party	Defendant SCHEINFELD WINE COMPANY, LLC
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Submission	Answer
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Date	07/02/2014
Attachments	WINE MAKERS CHANGE MAKERS TROUBLE MAKERS (Answer to Notice of Opposition).pdf(18033 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

In re:

Trademark: WINE MAKERS. CHANGE MAKERS. TROUBLE MAKERS.
Application Serial No.: 86/065,971
Filing Date: September 16, 2013
Publication Date: February 11, 2014

Applicant: Scheinfeld Wine Company, LLC

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TREANA WINERY LLC
Dba Hope Family Wines,

Opposer

v.

Opposition No.: 91216583

SCHEINFELD WINE COMPANY, LLC

Applicant.

-----X

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, Virginia 22313-1451

APPLICANT'S ANSWER AND DEFENSES
TO NOTICE OF OPPOSITION

Applicant Scheinfeld Wine Company, LLC ("Applicant"), by its counsel, responds as follows to the Notice of Opposition ("Opposition"):

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Opposition, and therefore denies the same and leaves Opposer to its proofs.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 2 of the Opposition, and therefore denies the same and leaves Opposer to its proofs.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 3 of the Opposition, and therefore denies the same and leaves Opposer to its proofs.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 4 of the Opposition, and therefore denies the same and leaves Opposer to its proofs.
5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 5 of the Opposition, and therefore denies the same and leaves Opposer to its proofs.
6. Applicant avers that the allegations set forth in Paragraph 6 of the Opposition are legal conclusions to which no response is required. To the extent a response is required, Applicant denies the allegations.
7. Applicant admits the allegation set forth in Paragraph 7 of the Opposition, but denies any allegation or characterization that Applicant's Application was filed "Notwithstanding Opposer's prior rights in Opposer's Mark."
8. Applicant denies the allegations set forth in Paragraph 8 of the Opposition.
9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 9 of the Opposition, and therefore denies the same and leaves Opposer to its proofs.
10. Applicant admits the allegation set forth in Paragraph 10 of the Opposition.
11. Applicant denies the allegations set forth in Paragraph 11 of the Opposition.
12. Applicant avers that the allegations set forth in Paragraph 12 of the Opposition are legal conclusions to which no response is required.

COUNT I
Dilution - §43(c)

13. Applicant repeats and realleges each and every preceding response as if fully set forth herein.
14. Applicant denies the allegations set forth in Paragraph 14 of the Opposition on the basis that Opposer's mark is the single word "Troublemaker," and Applicant's mark includes the two-word phrase "Trouble Maker."

15. Applicant denies the allegations set forth in Paragraph 15 of the Opposition.
16. Applicant admits the allegation set forth in Paragraph 16 of the Opposition.
17. Applicant admits the allegation set forth in Paragraph 17 of the Opposition.
18. Applicant denies the allegations set forth in Paragraph 18 of the Opposition.
19. Applicant denies the allegations set forth in Paragraph 19 of the Opposition.
20. Applicant denies the allegations set forth in Paragraph 20 of the Opposition.
21. Applicant denies the allegations set forth in Paragraph 21 of the Opposition.
22. Applicant denies the allegations set forth in Paragraph 22 of the Opposition.
23. Applicant denies the allegations set forth in Paragraph 23 of the Opposition.

COUNT II
Likelihood of Confusion - §2(d)

24. Applicant repeats and realleges each and every preceding response as if fully set forth herein.
25. Applicant denies the allegations set forth in Paragraph 25 of the Opposition.
26. Applicant denies the allegations set forth in Paragraph 26 of the Opposition.
27. Applicant admits that the respective goods are beverages in International Class 33, but denies all of the other allegations set forth in Paragraph 27 of the Opposition.
28. Applicant denies the allegations set forth in Paragraph 28 of the Opposition.
29. Applicant denies the allegations set forth in Paragraph 29 of the Opposition.

COUNT III
False Suggestion of a Connection - §2(a)

30. Applicant repeats and realleges each and every preceding response as if fully set forth herein.
31. Applicant denies the allegations set forth in Paragraph 31 of the Opposition.
32. Applicant denies the allegations set forth in Paragraph 32 of the Opposition.

33. Applicant admits the allegation set forth in Paragraph 33 of the Opposition.
34. Applicant denies the allegations set forth in Paragraph 34 of the Opposition.
35. Applicant denies the allegations set forth in Paragraph 35 of the Opposition.

GENERAL DENIAL

All allegations in the Notice of Opposition not otherwise expressly admitted are denied.

DEFENSES

FIRST DEFENSE

Opposer has failed to state a claim upon which relief may be granted.

SECOND DEFENSE

Opposer's dilution count fails on its face as Opposer's trademark lacks the requisite widespread fame required to support a dilution claim.

THIRD DEFENSE

There is no likelihood of confusion between the Opposer's mark and the Applicant's mark.

FOURTH DEFENSE

Applicant's mark is sufficiently distinct from Opposer's mark to avoid confusion, deception or mistake as to the source or sponsorship or association of Applicant's goods.

FIFTH DEFENSE

Applicant reserves the right to amend this pleading to assert any additional defenses that it may learn of during the discovery period.

RELIEF REQUESTED

WHEREFORE, Applicant respectfully requests the following relief:

(a) judgment in Applicant's favor dismissing the Opposition with prejudice and denying each and every prayer for relief contained therein;

(b) approval of Application Serial No. 86/065,971 and registration of the mark therein;
and

(c) such other and further relief as the TTAB deems just in the circumstances.

Respectfully submitted,

Scheinfeld Wine Company, LLC

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Date: July 2, 2014

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer and Defenses to the Notice of Opposition has been electronically filed with the United States Trademark Trial and Appeal Board and served on Opposer/Registrant by mailing said copy via United States Postal Service as First Class Mail:

Mr. Scott W. Petersen
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Chicago, IL 60603

/Vanessa A. Ignacio/
(Electronic Signature)
Vanessa A. Ignacio, Esq.

Date: July 2, 2014